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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,461	11/14/2001	Hisashi Takeda	Q64113	7389

7590 10/14/2003  
Sughrue Mion Zinn Macpeak & Seas  
2100 Pennsylvania Avenue N W  
Washington, DC 20037

EXAMINER
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ROSSI, JESSICA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 10/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/807,461

Applicant(s)

TAKEDA ET AL.

Examin r

Jessica L. Rossi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,7 and 9 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z-8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. Figures 10-12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 4, 6, 8, 11, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, it is unclear what is meant by “a pressing roller provided inside the floating roller” (see lines 5-6). First, there is no antecedent basis for “the floating roller”, which leads the examiner to believe that Applicants intended for this to be --the floating frame--, which does have proper antecedent basis. Applicants are asked to clarify.

With respect to claim 8, it is unclear what is meant by “a pressing roller provided inside the floating roller” (see lines 15-16). First, there is no antecedent basis for “the floating roller”, which leads the examiner to believe that Applicants intended for this to be --the floating frame--, which does have proper antecedent basis. Applicants are asked to clarify.

Also regarding claims 2, 4, and 6, it is unclear if Applicants intend for the floating frame, pressing roller, swingable frame, lower pressing roller, and vertical roller to be different from

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those already set forth in the independent claims (1, 3, or 5) from which they depend. Applicants are asked to clarify. If they are not different, it is suggested to change “a” to --the-- before all of the components listed above, since proper antecedent basis was established in the independent claims.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 5-6, 8, 10, and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakata et al. (US 5693174; provided in IDS).

With respect to claim 1, Nakata is directed to applying a frame to a windowpane. The reference teaches extruding a resinous material 2 for a frame in a certain shape from a shaping die 5, introducing a windowpane 1 into a pressing member 50 (Figure 13) or 290 (Figure 23A) as well as forwarding the shaped material to the pressing member (Figure 7; column 1, lines 10-17 and 35-36 and 59-64). The reference teaches the pressing member located a distance from the shaping die and relatively moving the pressing member with respect to the windowpane along a peripheral portion of the pane so as to fit the shaped product to the surface of the pane (column 5, lines 1-5; column 7, line 30 – column 8, line 5). The reference teaches providing a pressing roller 53 in a floating frame 53b that is vertically movable with respect to the pressing member (Figure 13; column 6, lines 30-50), providing a delimiting space, at least a portion of which is defined by the pressing roller, and unifying the frame to the peripheral portion of the pane by

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means of the pressing roller while passing the shaped material and the pane through the delimiting space.

Regarding claim 2, the reference teaches the pressing member including a base frame, a floating frame provided in the base frame through an elastic member so as to be vertically movable with respect to the base frame and a pressing roller provided inside the floating frame.

With respect to claim 5, all the limitations were addressed with respect to claim 1, except providing a floating frame with a lower pressing roller for pressing a lower side of the shaped material and a vertical wall roller for pressing an edge surface of the pane remote from an opening direction of the pane biting portion of the shaped material toward an inner portion of the pane.

The reference teaches a lower pressing roller 293 for pressing a lower side of the shaped material and a vertical wall roller 291 for pressing an edge surface of the pane remote from an opening direction of the pane biting portion of the shaped material toward an inner portion of the pane (Figure 23A; column 12, lines 36-65).

Regarding claim 6, see Figure 23A.

With respect to claim 8, it is noted this claim is a combination restating all the limitations in claims 1 and 2.

With respect to claim 10, it is noted this claim is a combination restating all the limitations in claims 5 and 8.

Regarding claims 12-13, the reference teaches providing the floating frame with a to and fro motion in a direction perpendicular to a travel direction of the shaped material by pressing the

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floating frame directly or through the shaped material by means of an edge surface of the pane (column 6, lines 30-47; column 12, lines 36-61).

***Allowable Subject Matter***

6. Claims 3, 7 and 9 are allowed.

With respect to claim 3, the prior art fails to teach or suggest a method for preparing a windowpane with a frame comprising providing a floating frame so as to be vertically movable with respect to the pressing member, providing a swingable frame in the floating frame so as to be swingable, and providing a pressing roller in the swingable frame.

Regarding claim 7, it depends from claim 3.

With respect to claim 9, the prior art fails to teach or suggest an apparatus for preparing a windowpane with a frame comprising a base frame, a floating frame provided in the base frame through an elastic member so as to be vertically movable with respect to the base frame, a swingable frame swingably provided inside the floating frame, and a pressing roller provided inside the swingable frame.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 5018264, US 6030475, Re 35,291, US 6394164, US 4769105.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica L. Rossi whose telephone number is 703-305-5419. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jessica L. Rossi  
Patent Examiner  
Art Unit 1733



jlR



JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300